

## DISTRICT COURT (FOURTH DISTRICT) [276]

### CRIMINAL CASE FILES, 1889-1895.

5 cu. ft. and 7 microfilm reels

**DESCRIPTION:** These case files include the original complaint, summons, information, indictment, or arrest warrant together with all legal papers subsequently filed in connection with the court proceeding through disposition or dismissal. Case files document the legal process and the administration of justice in the newly created Fourth Judicial District as well as its predecessor, the Northern Division of the First Judicial District.

The Fourth District Court was created in 1892 from the Northern Division of the First District Court. The far-flung First District Court was divided into two geographic divisions from 1880-1892. The Northern Division included Box Elder, Cache, Morgan, Rich, and Weber counties. Proceedings from throughout the several counties that made up the northern division typically were heard in Ogden, Weber County. Cases from Weber County are most numerous but include matters from outlying counties. The court was required to hold a specified number of terms within the district each calendar year.

These case files document the legal process and the administration of justice in conjunction with criminal cases. Criminal cases include both felonies and misdemeanors. Recurrent criminal offenses include robbery, burglary, theft, riot, malicious destruction of property, extortion, distribution of unlawful substances, contempt, treason, desertion, assault, murder, etc. A criminal case is initiated with a complaint, information, indictment, or arrest warrant. Individual case files may include petitions to the court (including a petition for a writ of habeas corpus), complaints, transcripts of lower court dockets, injunctions, warrants of execution and confinement, warrants of death, notices of appeal, subpoenas, affidavits, orders to show cause, court orders to the jury or defendant, trial evidence, court judgment, and an enumeration of costs.

According to federal and territorial statutes, the district court has jurisdiction in all matters not prohibited by law. The District Court was restricted to adjudication of actions involving real

property located within the Judicial District, those in which the defendant resides within the Judicial District, and those involving incidents occurring within the Judicial District. The court's appellate jurisdiction extends to all cases arising in probate, justice's, or U.S. Commissioners court. Upon receipt of an appeal, the district court conducted a complete retrial of the case. Certified copies of pertinent court documents were provided to the district court while the inferior court retained the original documents in its case file.

**ARRANGEMENT:** Case files are arranged numerically by consecutive case number. Criminal cases are designated 1-513 and were filed May 11, 1889, to September 14, 1895. Case numbers were assigned when the documents initiating the case were filed with the court clerk. Documents added subsequently to individual case files generally are arranged chronologically within the file. As criminal cases are considered an offense against the public, the plaintiff may variously be recorded originally as "People," "United States," or "Territory of Utah."

**RESEARCH NOTE:** The case number assigned by the court is essential to locate the desired case file. Researchers should first consult the CRIMINAL CASE INDEXES, 1879-1947 (series 17463), to find the unique case number corresponding to the appropriate case file. Case numbers may also be found using the CRIMINAL REGISTERS OF ACTIONS, 1880-1892 (series 17462). Confusion may arise when documents and case files are inscribed with two or more case numbers. Cases on appeal may include the number first used by the inferior court as well as that later assigned by the District Court. Sometimes a number was written in error and, later, corrected. The attached container list records numbered cases at the box level.

Case number 162 was assigned to two different cases filed nearly 18 months apart: (1) People vs. Peter Hansen, March 21, 1891, larceny, First District Court, and (2) United States vs. Frank Greenwell, September 14, 1892, adultery, Fourth District Court. The first fits chronologically with surrounding cases. The second fits chronologically with cases 258-262, which all were filed September 14, 1892. The Greenwell case does not appear in the criminal case indexes.

**RELATED RECORDS:** Files of criminal and civil cases adjudicated in the Northern Division of the First District Court were filed together until approximately 1888. Files of criminal cases heard prior to the separation of the files around 1888 are found in NORTHERN DIVISION CASE FILES, 1878-1895 (series 1529). Those filed in Weber County criminal cases following statehood in 1896 belong to CRIMINAL CASE FILES, 1896-[ongoing] (series 6954). The state district courts for other northern Utah counties should also be checked. A compilation of miscellaneous documents from the earliest surviving territorial criminal cases from each of the original three judicial districts is found in TERRITORIAL CRIMINAL CASE FILES, 1851-1858 (series 24052).

These criminal case files are indexed in the CRIMINAL CASE INDEXES, 1879-1947 (series 17463). The CIVIL AND CRIMINAL REGISTERS OF ACTIONS, 1878-1896 (series 17825), and the CRIMINAL REGISTERS OF ACTIONS, 1880-1892 (series 17462), each contains a chronological list of the documents filed and fees paid in connection with these criminal cases and is alternative source of case numbers. Minutes recorded during court terms held at Ogden, Weber County, are found in MINUTE BOOKS, 1892-1896 (series 5062).

Criminal information and indictment records may be included in the records of the grand jury of both the First and Fourth District Courts. For appeals to the District Court the lower court records should be checked, as should the Territorial Supreme Court for appeals from the District Court. At statehood in January 1896, District Courts were established in each county. These courts began creating case files for cases heard at the county seat.

**CUSTODY HISTORY:** Throughout the territorial period, case files were created and maintained by the clerk appointed by and serving at the pleasure of the judge of the District Court. The Northern Division of the First District Court created the criminal case files until the creation of the Fourth District Court in 1892. Custody of the files was assumed by the Fourth District Court. At statehood, the Weber Clerk was constitutionally designated as ex-officio clerk of Second District Court in and for Weber County. The county/district court clerk maintained custody of the case files until their transfer to the Utah State Archives.

**PROCESSING NOTE:** Since 1983, case files have been listed as permanent records in the records retention policy of the Utah Judicial Council. Microfilming of the original records was authorized by the court clerk, whose microfilm department filmed the records between October and December 1966. Archival processing of these records was completed in January 2002 by W. Glen Fairclough, Jr.

**PREFERRED CITATION:** Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

## CONTAINER LIST

Reel	Box	Description
1	1	1-92 [1889, May 11-1890, June 7; 1st District]
2	1	93-114 [1890, June 11-November 21; 1st District]
2	2	115-158 [1890, November 21-1891, February 6; 1st District]
3	2	159-162 [1891, February 6-April 21; 1st District]
4	2	162 [1892, September 14; 4th District]
3	2	163-200 [1891, April 21-November 13; 1st District]
3	3	201-231 [1891, November 13-1892, May 9; 1st District]
4	3	232-275 [1892, May 9-1893, February 21; 4th District]

<b>Reel</b>	<b>Box</b>	<b>Description</b>
4	4	District] 276-293 [1893, February 27-1893, March 6; 4th District]
5	4	294-358 [1893, March 6-December 2; 4th District]
6	4	359-383 [1893, December 5-1893, December 26; 4th District]
6	5	384-434 [1894, February 20-1894, July 30; 4th District]
7	5	435-513 [1894, August 1-1895, September 14; 4th District]